IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6938 of 2007

CRIME NO.493/2007 OF ALAPPUZHA NORTH POLICE STATION

PETITIONERS : ACCUSED 1 TO 3:

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1. D.ARUN, AGED 34 YEARS,S/O.DANDAPANI, X/185, SANTHI BHAVAN, PERUMBAVOOR, ERNAKULAM DISTRICT, NOW RESIDING AT KARTHIKA LODGE, NEAR DISTRICT COURT, ALAPPUZHA.

2. C.DANDAPANI, AGED 66 YEARS, S/O.CHOKKALINGAM PILLAI, X/185, SANTHI BHAVAN, PERUMBAVOOR, ERNAKULAM DISTRICT.

3. RETNAMBAL, AGED 64 YEARS, W/O.DANDAPANI, X/185, SANTHI BHAVAN, PERUMBAVOOR, ERNAKULAM DISTRICT.

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTING SUB INSPECTOR OF POLICE, ALAPPUZHA NORTH POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6938 of 2007

Dated this the 14th day of November, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations, inter alia, under Section 498 A I.P.C. 2nd and 3rd petitioners have already been deleted from the array of accused, submits the learned Public Prosecutor. Their prayer for anticipatory bail can hence be dismissed as unnecessary now.

2. The marriage took place on 24.08.99. The spouses are not blessed with any issues. Crime has been registered on the basis of a complaint filed by the defacto complainant before the learned Magistrate, which was forwarded by the learned Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

3. The learned counsel for the petitioners submits that the allegations are totally false. It is only a retaliatory private complaint filed by the defacto complainant. In any view of the matter, the 1st petitioner, an advocate, does not deserve to endure the trauma of arrest and detention. Subject to appropriate conditions, anticipatory bail may be granted to the petitioner, it is prayed.

4. The learned Public Prosecutor does not oppose the application for anticipatory bail. I am satisfied in the facts and circumstances of the case that anticipatory bail can be granted to the 1st petitioner subject of course to appropriate conditions which shall safeguard the interests of a fair, efficient and expeditious investigation.

5. In the result, the Bail Application is, allowed in part. The petition in so far as it relates to petitioners 2 and 3 is dismissed. The following directions are issued under Section 438 Cr.P.C in favour of the 1st petitioner.

i) The 1st petitioner shall appear before the learned Magistrate at 11 a.m on 21.11.2007. He shall be enlarged on regular bail on his executing bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The 1st petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 22.11.07 and 23.11.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the 1st petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the 1st petitioners does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the 1st petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the 1st petitioner were arrested prior to his surrender on 21.11.2007 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 21.11.07.

(R.BASANT, JUDGE)

rtr/-